

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

This document relates to: 1:19-cv-01798.

MASTER DOCKET

18-md-2865 (LAK)

**STIPULATION AND [PROPOSED] ORDER OF PARTIAL VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(2)**

WHEREAS Plaintiff Skatteforvaltningen (“SKAT”) has asserted claims against Defendant Michael Ben-Jacob (“Ben-Jacob”) in the action titled *SKAT v. Cantata Industries LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01798;

WHEREAS SKAT and Ben-Jacob have now entered into a settlement agreement resolving those claims;

WHEREAS SKAT wishes to voluntarily dismiss with prejudice Ben-Jacob from *SKAT v. Cantata Industries LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01798, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with each party to bear its own costs;

WHEREAS the dismissal is not intended to affect any of the claims asserted against Defendants Cantata Industries LLC Roth 401(K) Plan, David Zelman, Robert Klugman, John van Merkensteijn, RAK Investment Trust, or Omineca Trust in the action captioned *SKAT v. Cantata Industries LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01798, or any other action;

IT is therefore STIPULATED AND AGREED that, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Ben-Jacob is dismissed with prejudice from the action *SKAT v.*

Cantata Industries LLC Roth 401(K) Plan et al., No. 1:19-cv-01798, with each party to bear its own costs; and

IT is further STIPULATED AND AGREED that SKAT's claims against Defendants Cantata Industries LLC Roth 401(K) Plan, David Zelman, Robert Klugman, John van Merkensteijn, RAK Investment Trust, and Omineca Trust remain active in the action captioned *SKAT v. Cantata Industries LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01798.

Dated: New York, New York
December 15, 2024

By: /s/ Marc A. Weinstein
Marc A. Weinstein
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
Telephone: (212) 837-6000
Fax: (212) 422-4726
marc.weinstein@hugheshubbard.com

*Counsel for Plaintiff Skatteforvaltningen
(Customs and Tax Administration of the
Kingdom of Denmark)*

By: /s/ Thomas E.L. Dewey
Thomas E.L. Dewey
DEWEY, PEGNO & KRAMARSKY, LLP
777 Third Avenue
New York, NY 10017
Telephone : (212) 943-4325
Fax : (212) 943-4325
tdewey@dpklaw.com

Counsel for Defendant Michael Ben-Jacob

SO ORDERED:

Lewis A. Kaplan
United States District Judge